

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5442 OF 2015

ORDER:

This writ petition is filed seeking *Writ of Mandamus* declaring the action of the 3rd respondent in not taking any action on the complaints dated 03.02.2015 and 12.02.2015 made by the petitioner, against the illegal construction of the unofficial respondents No.4 to 7, as illegal and arbitrary and for a consequential direction to the respondents to stop the illegal constructions of the unofficial respondents on old house bearing D.No.3-34-12/1 and 2, Salipeta, Tadepalligudem, West Godavari District by considering the complaints made by the petitioner.

The case of the petitioner is that she is the elder daughter of the 4th respondent and sister of respondents 5 to 7 and her family is having a property to an extent of 211 sq.yards at D.No.3-34-12/1 & 2, Saipeta, Tadepalligudem, West Godavari District, in which, the petitioner is the 1/7th share holder. While so, the respondents 4 to 7 are trying to construct the building by dismantling the old structure, pending disposal of the suit filed for partition of the property in question. With the regard to the same, she made a representation dated 03.02.2015 to the 3rd respondent requesting him not to grant permission for construction in the said disputed premises. Again on 12.02.2015, a reminder complaint was also made to the 3rd respondent. But no action has been initiated by the 3rd respondent. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Sri Nimmagadda Venkateshwarlu, learned Standing counsel 3rd respondent-Municipality submits that the construction permission was granted to the respondents 4 to 7 on 09.09.2014 much prior to the representation made by the petitioner. He also submits that the representation made by the petitioner will be considered as per law.

In view of the above, the 3rd respondent is directed to consider the representation made by the petitioner on 03.02.2015 and take action accordingly as per Section 209 of Andhra Pradesh Municipalities Act, 1965, after issuing notice to affected parties, within a period of four (4) weeks from the date of receipt of copy of this order.

With the above direction, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.RAJASHEKER REDDY, J

27.03.2015

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